

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-33330 of 2015

Date of decision: 19.01.2016

Gursewak Singh & others

-----Petitioner (s)

V/s

State of Punjab & Others

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. B.S. Jatana, Advocate for the petitioner(s).

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. Sarabjit Singh Grewal, Advocate for
respondents No. 2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.81 dated 10.08.2014, for the offences punishable under Sections 323 and 452 read with Section 34, IPC, registered at Police Station, Boha, District Mansa, and all the consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2)

This Court vide order dated 29.09.2015 had directed the parties to appear before the learned trial Court on 21.10.2015 to get their statements recorded with regard to the compromise and the learned trial Court was directed to submit its report along with the copies of the statements.

Pursuant to the aforesaid order dated 29.09.2015, the parties have appeared before learned Judicial Magistrate, Ist Class, Budhala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded her report dated 23.11.2015 to the effect that the parties have willfully settled their differences and reached at bona fide compromise without any pressure and the same is genuine.

Learned counsel for respondents No. 2 and 3 admit the factum of compromise entered between the parties.

The statement of the complainant-respondent No.2, namely, Baljinder Singh aged 39 years son of Bhura Singh resident of Chak Ali Sher, reads as under:-

“Stated that I have got lodged the present FIR no.81 dated 10.08.2014 U/s 452/323/34 IPC PS Boha against the accused namely Gursewak Singh, Bhagwant Singh, Nirmal Singh, Amrik Singh and Gamdoor Singh. Now the matter has been compromised with the accused/petitioners with the intervention of the relatives and respectable persons. The compromise is genuine and I have entered into compromise without any pressure and out of my free will. I have no objection if the FIR is quashed.

RO & AC
Sd/- Baljinder Singh

Sd/-
(Daljeet Kaur)
JM/ 21.10.2015”

Apart from the statement of the complainant-respondent No.2- *Baljinder Singh*, whereby he has shown no objection to the FIR being quashed, there is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Learned counsel for the State also does not dispute the factum of compromise entered between the parties.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)**, as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.81 dated 10.08.2014, for the offences punishable under Sections 323 and 452 read with Section 34, IPC, registered at Police Station, Boha, District Mansa and all other consequential proceedings arising therefrom are quashed, qua the petitioners, in view of the compromise (Annexure P-2).

19.01.2016

Anjal

[HARI PAL VERMA]
JUDGE